



PENNIE & EDMONDS DOCKET NO. 4821-306

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Z**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Criares, T.Art Unit 1205

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 08/783,393 filed on January 13, 1997

of A.K. Gunner Aberg, John R. McCullough, Emil R. Smith

(inventor(s) currently of record in prior application)

for METHODS FOR TREATING DISORDERS USING DESCARBOETHOXYLORATADINE (As Amended)
(title of invention)

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

| TYPE | NO. FILED | LESS | EXTRA | EXTRA RATE | FEE |
|--------------|-----------|------|--|--------------|-------------|
| Total Claims | 33 | -20 | 13 | \$22.00 each | 286.00 |
| Independent | 3 | -3 | 0 | \$82.00 each | 0.00 |
| | | | Basic Fee | | 790.00 |
| | | | Multiple Dependency Fee If Applicable (\$270.00) | | |
| | | | Total | | 1,076.00 |
| | | | 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern | | |
| | | | Total Filing Fee | | \$ 1,076.00 |

2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3. Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. 08/783,393, filed January 13, 1997, now U.S. Patent 5,731,319, which is a divisional of application no. 08/366,651, filed December 30, 1994, now U.S. Patent 5,595,997.

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4a. Please cancel claims 1-14 prior to calculating the application fee.

4b. New formal drawings are enclosed.

4c. Informal drawings are enclosed.

5a. Priority of application no. filed on in is claimed under 35 U.S.C. §119.

5b. The certified copy has been filed in prior application no. , filed .

6. The prior application is assigned of record to University of Massachusetts and Sepracor Inc. (See 08/366,651).

7a. The Power of Attorney appears in the original papers in the prior application no. 08/366,651, filed December 30, 1994.

7b. Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.

8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. , filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.

9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .

10. Additional enclosures or instructions. An Information Disclosure Statement and Preliminary Amendment will be filed upon receipt of the filing receipt.

March 16, 1999
(date)

Respectfully submitted,
By Anthony M. McNamee (Reg No 35,203)
Stanton T. Lawrence, III 25,736
Stanton T. Lawrence, III
(Reg No.)

PENNIE & EDMONDS LLP
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New York, NY 10036
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Please type a plus (+) inside this 

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | | | |
|--|-------------------|-------------|----|
| Attorney Docket No. | 4821-306 | Total Pages | 40 |
| First Named Inventor or Application Identifier | | | |
| Aberg et al. | | | |
| Express Mail Label No. | EM 490 489 815 US | | |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form
Submit an original, and a duplicate for fee processing
2. Specification [Total Pages 35]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description of the Invention (including drawings, *if filed*)
 - Claim(s)
 - Abstract of the Disclosure
3. Drawing(s) *(35 USC 113)* [Total Sheets 0]
4. Oath or Declaration [Total Sheets 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - i. DELETION OF INVENTORS(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. Incorporation By Reference *(useable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:
 Continuation Divisional Continuation-in-part (CIP) of prior application No: 08/783,393 filed January 13, 1997.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

6. Microfiche Computer Program *(Appendix)*
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Copy
 - b. Paper Copy *(identical to computer copy)*
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. Assignment Papers (cover sheet & document(s))
9. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
10. English Translation Document *(if applicable)*
11. Information Disclosure Copies of IDS Statement (IDS)/PTO-1449
Citations
12. Preliminary Amendment
13. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. Small Entity Statement filed in prior application, Statement(s) Status still proper and desired
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Other:

18. CORRESPONDENCE ADDRESS

| | | |
|---|---|--|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | 20583 <i>(Insert Customer No. or Attach bar code label here)</i> | or <input type="checkbox"/> Correspondence address below |
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.